

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA

2006 MAY 11 A 9:41

Kenneth Price, #150784,

Petitioner,
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

v.

J.C. Giles, et al.,

Respondents.

CIVIL ACTION NO. 2:06-236-WKW

MOTION TO AMEND

COMES NOW Petitioner in the above styled cause and moves this Honorable Court to allow Petitioner to amend his petition filed in this Court on March 5, 2006. In support of said request Petitioner shows this Honorable Court as follows:

- (1) Petitioner failed to include in the original petition an issue of constitutional error that was previously raised in the state courts.
- (2) Petitioner must now raise said issue by amending his original petition so that the Court can address this issue.
- (3) Petitioner mistakenly overlooked this issue in which should have been raised under the claim of ineffective assistance of counsel in the original petition as was similarly argued in the state courts.
- (4) Petitioner is very uneducated in the ways of the law and has been forced to rely on the knowledge of other inmates throughout his appellate process.
- (5) The inmate that was assisting Petitioner was transferred to another institution before the filing of the current Habeas Petition.

- (6) Petitioner has only recently came into contact with another inmate willing to assist in this matter.
- (8) Petitioner will suffer severe prejudice if not allowed to amend his Habeaus Petition at this time.
- (8) The amended issue Petitioner is requesting to be admitted is a very substantial constitutional issue and may be the only issue this Court finds appropriate for review.

WHEREFORE, these premises considered, Petitioner respectfully requests this Honorable Court grant this motion to amend and attach said amendment to his original Habeaus Petition.

Respectfully submitted on this 9 day of May, 2006.

Kenneth Buie
Petitioner

I hereby swear or affirm under penalty of perjury the foregoing is true and correct.

Kenneth Buie
Affiant

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true copy of the foregoing motion by U.S. Postal Service Box at Ventress Correctional Facility on this 9 day of May, 2006.

Clerk of the U.S. District Court

Alabama Office of the Attorney General

Kenneth Buie
Petitioner

NOTARY BLOCK

**STATE OF ALABAMA
COUNTY OF BARBOUR**

Subscribed and sworn to before me this

9th day of May, 2006.

Carolyn R. Abercrombie
Notary Public

My Commission Expires August 18, 2007

Comm. Exp. Date